

WTWG meeting 4/11/05

Dave Brown	Tom Cowan	Lori Brady	Paul Dempsey
Bob Barwin	Ken Hasbrouck	Bill Pope	Ric Valicoff
Jim Mitton	Kate Puckett	Joe Mentor	Ron Van Gundy
Stuart Crane	Hal	Bern Kent	Olin Nichols
Tom Monroe	Steve Fanciullo	Dar Crammond	C. J. Enoas (sp?)

The group approved the 4/4/05 notes.

Bob Barwin added Suncadia, 2005-20, to the agenda under Discussion of previous transfers. Dar Crammond added the sign off sheet and disclaimer language to the agenda.

BB discussed the Connor/WWT proposals, which were brought in late March. BB noted that the group had reached a consensus on the consumptive use calculation at WIG +1 based on the short season and high antecedent soil moisture. BB, working with the applicants, ran the calculation at WIG +0 because of the split season and breakdown in assumptions about drought. BB summed the daily WIG values for the period of transfer, and came out with approximately 8 inches per acre, for a total of 53.2 acre feet of CU. DC confirmed that the motion was for an OPL and that the proposal was for a temporary transfer. BB affirmed and said there is a permanent transfer working through DOE that will result in an ROE and permanent change next year. DC asked about the 30 year span of the lease, and BB said that those long term leases were treated as permanent transfers. The group approved the transfers as revised.

Joe Mentor presented the Suncadia to KRD transfer, which was before the WTWG on April 4. JM had made two changes: The period of use was revised to run from storage control to end of KRD delivery, and the assumptions about irrigation system efficiency were changed to reflect the actual amount of return flow reaching the river – an increase from 50% to 33%. These changes resulted in a Qa of 1,200 af (800 af CU and 400 af conveyance) and a Qi of 8.8 cfs. Stuart Crane repeated the YN concern that there is no way to know what happens to KRD return flow, and that some of the conveyance water will undoubtedly be consumptively used. JM said there was no way for Suncadia or KRD to address that issue and the best they could do is reduce the amount of conveyance water to limit the impact. JM noted that there are no gages to regulate the use of return flow at critical points in the Kittitas Valley. Ken Housbruck noted that all of the tributaries in the Kittitas Valley benefit from KRD return flow. SC said that the primary problem is that the increase in tributary flow translates to increased consumptive use, and that increased consumptive use is logically a hit on TWSA and other water rights.

JM said that if this proposal was not acceptable, he would bring the original, in which the conveyance water was 800 af, to Court. DC gave two views of the consumptive use story: On the one hand, we are assuming that more tributary flow in the Kittitas Valley will be diverted and consumptively used. On the other hand, consumptive use tends to be self-regulating, and in the absence of deficit irrigation, use of tributaries is compensated by lower diversions from the Yakima River. DC opined that there may be some increase

in CU, but that it was likely small and practically impossible to quantify. DC said that the Reclamation and the other parties could take a two-pronged approach: insist on careful measurement of all tributary diversions and interdict diversions of Project return flow. However, at this point in time, there was neither the infrastructure nor support for those initiatives. DC expressed hope that in the future we could address these issues.

BB said he was sure that whatever water was present in the tributaries would get used, particularly at Manastash and Wilson-Naneum. BB asked if there was a way for the local users, those on the ground in the Kittitas Valley, to make this work and ensure no expansion of use based on KRD return flow. No solutions were forthcoming. JM said he would bring his original proposal to Court without the WTWG approval, but that if the parties decided they could accept the revised proposal, they should tell him by Thursday and he would present the revised proposal as a consensus of the WTWG. The parties said they would think it over and respond to JM before the oversight hearing.

DC said there was a remaining issue for this transfer. The conveyance water for the Pautzke right still “resides” at the head of the Mill ditch. This proposal moves 400 (800) acre feet of the 1,600 af conveyance remaining at Mill ditch back upstream and over to Easton. This focuses the conveyance water demand solely on Keechelus and Kachees instead of entire upper basin above Ellensburg. DC said that it appeared to him that Reclamation operations could accept this upstream “refocusing” of the conveyance water on K and K and that it would be a lot easier to accept at 400 af than at 800 af. If the proposal is for 800 af, DC said he would have to discuss it with the River Operations group to discern the actual impact on storage. DC said that the preliminary indications were that 400 af would be a tolerable intrusion into operations for this year only.

The group addressed the latest crop of Roza transfers, 2005-21. The group approved the transfers. Steven K Fanciullo asked if there were more to come. Lori Brady said this was the last set from SVID to Roza. Ron Van Gundy said there may be a couple more tributary transfers to Roza next week. DC repeated his request for a map of the fallowed lands at SVID. LB said that SVID would provide a map and if there were other questions about fallowed land, they would provide information.

BB presented 2005-22, the transfer of the Pott right to the state trust for out-of-priority domestic use mitigation. BB said that there were two sections: the first places 223 af in the river from the Pott POD at Currier Creek (Kittitas Valley) to Parker gage, the second puts allocates ~60 cfs to domestic use mitigation. Overall, 162.9 af are protected to the confluence with the Columbia. BB said the consumptive use calculation was based on WIG +4. BB noted that this is the same right that the City of Roslyn wants to acquire for mitigation in future years. DC asked if the attached list was all of the post-1905 domestic users. DC noted that this mitigation would not be effective for those above Currier Creek and, as the group was aware, this could lead to decreased storage in derogation of TWSA. BB agreed and noted that there was approximately 20 acre feet of CU above the reservoirs for which this transfer would not mitigate, however, DOE will be bringing some storage based transfers that should alleviate that situation. DC requested that Reclamation and DOE work out some brief language for inclusion in the OPL that makes

clear the potential impact on storage and the non-precedential value of the OPL. BB agreed to work out a provision, but that the pending acquisition of storage might foreclose the issue. The group approved the transfer pending the language requested by Reclamation.

BB presented 2005-23. BB said this was following of 374 acres in the Teanaway, lands that had been the subject of a YRBWEP project. The YRBWEP project had focused on efficiency improvements to garner instream flow; the instant proposal provides 697 af of consumptive use savings, 4.85 cfs in the Teanaway protected in the state trust all the way to Parker, and even to the Columbia confluence. BB clarified that there would be no diversions at all from the Teanaway under this right and that this was similar to the Teanaway transfers to Roza, but without the 6% compensation for lower river impacts of the SVID to Roza transfers. The group approved the proposal.

BB discussed the DOE reverse auction results. Thus far, DOE has executed two leases, which we saw today. Another is pending on Taneum Creek, but it is unclear whether it will be executed this year. BB suggested going to the Ecology drought page, <http://www.ecy.wa.gov/programs/wr/drought/2005/images/pdf/bidresults.pdf>, to see all the bids received, including prices and descriptions of the water rights. BB noted that many of the proposed leases were too expensive to be viable for Ecology.

DC briefly discussed the disclaimer that appeared in the one pagers. DC said that this form was close to the one proposed by Kate Puckett, and that he would circulate her proposed language if it differed significantly. (It does. KP proposed language is included here).

“The 2005 Drought Water Transfer Working Group hereby notes that all parties retain their right to petition the court for appropriate relief if this transfer causes harm to their, or any other party’s, valid water rights or interests. This transfer applies only to 2005 drought year and does not set a precedent for water transfers in future years on any issue including, but not limited to, the validity and extent of the water right at issue. Consideration by, or any determination by, the Water Transfer Working Group shall not be used as evidence of, nor waive any argument concerning, future proposed permanent or temporary transfers under either applicable federal law or contract or state law including RCW 90.03.380. Any determination here is also not intended by any party to be a concession as to the appropriate procedures for transfers in the future.”

DC said the central point was that these transfers were unique and not precedential and that the group would continue to evaluate every transfer on its own merits, not on the basis of what went on in 2001, 2005 or any previous year. DC noted that similar disclaimer language must appear in the proposed OPLs, too, to be effective notice for all the parties. (Language from the Roza transfers included here).

“It is hereby further ordered that this approval is for the 2005 irrigation season and does not set precedent for water transfers in the future years on any issue, including, but not limited to, the validity and extent of the water rights being transferred and the approval shall not be used as proof of waiver concerning any

future proposed permanent or temporary transfer under either applicable Federal or State law.”

The group agreed.

For April 18, BB said Ecology would bring two more leases and the Taneum Creek transfer if it survives. TC said Roza would bring two tributary transfers. The group adjourned.